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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,467	12/17/2003	Richard C. Lute JR.	D-1191	8189
28995	7590	09/08/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/738,467

Applicant(s)

LUTE ET AL.

Examiner

April A. Taylor

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 14-19 and 23-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claims 1-43 are objected to because of the following informalities:

Re claim 1: Insert -- and -- after "operation of the cash dispenser;" (see line 5).

Re claim 23: Insert -- and -- after "at least one sensor;" (see line 4).

Re claim 31: Insert -- and -- after "at least one mirror;" (see line 7).

Re claim 31: Insert -- step -- after "responsive to the sensed radiation" (see line 8).

Re claim 32: Substitute "wherein (a) includes" with -- wherein step (a) includes -- (see line 2).

Re claim 33: Substitute "wherein (a) includes" with -- wherein step (a) includes -- (see line 2).

Re claim 34: Substitute "wherein (a) includes" with -- wherein step (a) includes -- (see line 2).

Re claim 35: Substitute "prior to (b)" with -- prior to step (b) -- (see line 1).

Re claim 35: Insert -- step -- after "wherein the determination in" (see line 3).

Re claim 36: Insert -- step -- after "responsive to the determination in" (see line 2).

Re claim 37: Substitute "subsequent to (c) repeating (a) and (b)" with -- subsequent to step (c) repeating step (a) and step (b) --.

Re claim 40: Substitute "prior to (c)" with -- prior to step (c) -- (see line 1).

Re claim 41: Substitute "wherein (c)" with -- wherein step (c) -- (see line 4).

Re claim 41: Substitute "in (d)" with -- in step (d) -- (see line 5).

Re claim 42: Substitute "prior to (c) and responsive to (d)" with -- prior to step (c) and responsive to step (d) -- (see line 1).

Re claim 42: Substitute "carrying out (c)" with -- carrying out step (c) -- (see line 3).

(Note: All other claims are objected to since they depend upon an objected claim.)

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Do (US 6,508,397)

Do teaches a self-defense ATM machine comprising a cash dispenser; a user interface, wherein the user interface includes at least one input device; at least one mirror adjacent to the user interface, wherein users of the machine when providing an input to the at least one input device are enabled to observe an area behind the user in the at least one mirror; wherein the mirror is positioned vertically above the at least one input device. (See col. 9, lines 15-33)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 3-13 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Do (US 6,508,397). The teachings of Do have been discussed above.

Re claims 7-11, 13, and 20-22: Do further teaches a self-defense ATM including a card reader; a keypad; a display; a user interface comprising a light; a mirror disposed outward of the user interface; at least one controller in operative connection with the cash dispenser, keypad, card reader, display, and light; wherein the light illuminates the area behind the user; wherein the controller is operative to cause the light to illuminate responsive to a user input; a sensor operative to sense a user adjacent to the machine, wherein the sensor is in operative connection with the controller; and wherein the controller is operative to cause the light to illuminate responsive to a user being sensed adjacent to the machine. (See col. 9, line 15+; and col. 10, line 1+)

Re claim 3: Do fail to specifically teach or fairly suggest wherein the mirror is a convex mirror. However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to use the notoriously old and well known convex mirror in order to provide a large viewing area so that a user is able to effectively view his/her surroundings. Thus, it would have been an obvious expedient to use a convex mirror, as it would have been a matter of a design choice of the manufacturer.

Re claims 4-6 and 12: Do discloses the claimed invention except for providing an ATM machine having two horizontally disposed mirrors positioned on opposed sides of the user interface, and wherein the mirrors comprises a convex mirror. It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made

to employ two horizontally disposed mirrors positioned on opposed sides of the user interface, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, it would have obvious to an artisan of ordinary skill in the art at the time the invention was made to employ two horizontally disposed convex mirrors in order to provide a large viewing area so that a user is able to effectively view his/her surroundings. Thus, it would have been an obvious expedient to use a convex mirror, as it would have been a matter of a design choice of the manufacturer.

Allowable Subject Matter

8. Claims 14-19 and 23-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 31-43 are allowable over the prior art.
10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fail to teach or fairly suggest an ATM machine comprising, among other things, a sensor for sensing radiation which is at least one of reflected from and transmitted through at least one mirror, and wherein a controller is operative to determine responsive to radiation sensed by the sensor when the mirror requires cleaning.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newsome et al (US 6,595,416) discloses a system for dispensing and adding value to fare cards.

Dallman (US 6,000,806) discloses a lighting apparatus for an ATM kiosk.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and

Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AAT

03 September 2004

DANIEL STCYR
PRIMARY EXAMINER

